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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: | Burgess et al.  |
| Serial No.            | 09/880,652  |
| Filed:                | August 14, 2001   |
| Examiner:             | Arthur, Lisa B.   |
| Group Art Unit:       | 1600  |
| Title:                | <b>Methods of Labeling Biomolecules with<br/>Fluorescent Dyes</b> |

HONORABLE ASSISTANT COMMISSIONER  
OF PATENTS  
WASHINGTON, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV203841416US addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on the date shown below.

Shannon Judice  
Shannon Judice

12/20/02  
Date

Dear Sir:

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

This paper is filed in response to the Office Action dated September 30, 2002 (Paper No. 9). The Examiner required an election of certain species for examination. Applicants previously elected Group II in the Examiner's previous claim restriction with the reservation to prosecute non-elected claims.

**Claim 21**

Claim 21 recites several chromophores. The Examiner has requested that we elect one disclosed species. Accordingly, we elect "anthracene chromophore" for prosecution on the merits. Corresponding generic claims are claims 20 and 22-43.

**Claim 23**

Claim 23 recites several emitters. The Examiner has requested that we elect one disclosed species. Accordingly, we elect "BODIPY emitter" for prosecution on the merits. Corresponding generic claims are claims 20-22 and 24-43.

**Claim 25 and 42**

Claims 25 and 42 recite several dyes. The Examiner has requested that we elect one disclosed species. Accordingly, we elect "succinimidyl ester group" for prosecution on the merits. This group is specifically recited in claims 26 and 43. Corresponding generic claims are claims 20-24 and 27-41.

**Claims 27-29 and 34-26**

Claims 27-29 and 34-26 recite nucleic acid species. Claims 30 and 37 recite ddNTP species, Claims 31, 32, 38 and 39 recite protein and peptide species. The Examiner has requested that we elect one disclose species. Accordingly, we elect the nucleic acid species for prosecution on the merits. Corresponding generic claims are claims 20-26, 33 and 40-43.

Applicants reserve the right to pursue all non-elected species in future applications should any of the generic claims be held not allowable.

No fee appears to be due for this election, however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

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If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2580.

Respectfully submitted,



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Date: 12/20/08